



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON, D.C. 20370-5100

TJR

Docket No: 3349-00

23 October 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 17 October 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 2 August 1995 at the age of 18. Your record reflects that on 12 April 1996 you received nonjudicial punishment (NJP) for two incidents of failure to obey a lawful order and two periods of absence from your appointed place of duty. The punishment imposed was extra duty and restriction for 30 days, reduction to paygrade E-2, and a \$437 forfeiture of pay.

Your record further reflects that on 25 March 1996, after undergoing a psychiatric examination, you were diagnosed with alcohol abuse, an adjustment disorder with a depressed mood, and a severe personality disorder with antisocial, borderline, dependent, and passive aggressive features. You were also recommended for an administrative separation.

On 3 January 1997 you were notified of pending administrative separation action by reason of misconduct due to a serious offense and convenience of the government due to the diagnosed personality disorder. At this time you waived your rights to consult with legal counsel and to submit a statement in rebuttal

to the discharge. Subsequently, your commanding officer advised you that you were not recommended for reenlistment and recommended you be issued an administrative separation by reason of misconduct due to a serious offense and convenience of the government due to the diagnosed personality disorder. The discharge authority approved the recommendation for separation and directed your commanding officer to issue you a general discharge by reason of convenience of the government due to the diagnosed personality disorder. On 10 January 1997 you were so discharged and assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, good post service conduct, and your requests to change the characterization of your service to fully honorable and reenlistment code so that you may reenlist. However, the Board concluded these factors were not sufficient to warrant a change in the characterization of your discharge or reenlistment code given the NJP, the diagnosed personality disorder, and the nonrecommendation for reenlistment. Further, a RE-4 reenlistment code is authorized when an individual is separated due to a diagnosed personality disorder and is often assigned when the individual has committed disciplinary infractions resulting in formal disciplinary action such as NJP. Given all the circumstances of your case, the Board concluded your discharge was proper and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director